REMARKS

Claims 70-110 were pending and claims 70-94 were allowed.

Interview Summary

On August 25, 2004, Applicants' attorney, Gregory Stanton, and Examiner Buechner conducted a telephonic conference regarding this application. Applicants sincerely thank Examiner Buechner for the courtesy of the interview. During the conference, the double-patenting rejection of claims 95-101, 103-108 and 110 was discussed. Applicants asked for a confirmation that the rejection was an obviousness-type double patenting rejection even though the Office Action stated that the conflicting claims are not distinct from claims in U.S. Patent No. 6,652,378 because "applicant has merely replaced a few words in the claims with words that have the same or similar meanings." *Office Action* at p. 2. The Examiner confirmed that the rejection was an obviousness-type double patenting rejection and not a statutory-type double patenting rejection.

Double Patenting Rejection

Claims 95-110 were rejected under the judicially created doctrine of obviousness-type double patenting in view of U.S. Patent No. 6,652,378. The present application is a continuation of the application from which U.S. Patent No. 6,652,378 issued.

With regard to claims 95-101, 103-108 and 110, the Office Action stated that "applicant has merely replaced a few words in the claims with words that have the same or similar meanings." *Office Action* at p. 2. Applicants respectfully submit that the words that differ from words in claims of U.S. Patent No. 6,652,378 do not have the "same" meanings as the words from which they differ and thus the scope of the claims are different. For example, claim 38 of U.S. Patent No. 6,652,378 recites "mutually concurrently displaying at least one locally played game and at least one remotely played game" whereas claim 95 of the present application recites "displaying at least one locally played game and at least one remotely played game ... at the same time." Applicants respectfully submit that "displaying ... at the same time" has a broader scope than "mutually concurrently displaying." It is believed that the presently pending claims are supported by the specification.

With regard to claims 102 and 109, the Office Action stated that "U.S. Patent No. 6,652,378 discloses all the limitations of claims 102 and 109 with the exception of displaying each of the games in a separate graphics window on the same display screen." *Office Action* at p. 3. It is believed that claims 102 and 109 are fully supported by the application from which U.S. Patent No. 6,652,378 issued and from which the present application claims priority.

In response to this rejection, applicants submit herewith a Terminal Disclaimer. The present application and U.S. Patent No. 6,652,378 are commonly owned as the present application is a continuation of the application from which U.S. Patent No. 6,652,378 issued, the assignments in that case contemplated continuations, and the present application has not been separately assigned. *See MPEP* §306. An assignment from the inventors to Anchor Gaming of the application from which U.S. Patent No. 6,652,378 issued was recorded on December 9, 2001 at reel 012242, frame 0124. An assignment from Anchor Gaming to IGT was recorded on July 7, 2003 at reel 014277, frame 0776.

It should be noted that the filing of the terminal disclaimer is not an admission as to the propriety of the double patenting rejection, as also set forth in Section 804.02 of the M.P.E.P., a portion of which is quoted below:

> The filing of a terminal disclaimer to obviate a rejection based on nonstatutory double patenting is not an admission of the propriety of the rejection. Quad Environmental Technologies Corp. v. Union Sanitary District, 946 F.2d 870, 20 USPQ2d 1392 (Fed. Cir. 1991). The court indicated that the "filing of a terminal disclaimer simply serves the statutory function of removing the rejection of double patenting, and raises neither a presumption nor estoppel on the merits of the rejection.

M.P.E.P., Section 804.02; *see also Ortho Pharmaceutical Corp. v. Smith*, 22 U.S.P.Q.2d 1119 (Fed. Cir. 1992). Consequently, the fact that the applicants do not address the substance of the double patenting rejection should not be construed as an admission of the correctness of the double patent rejection or that the applicant agrees with the statements made in support of the rejection.

Conclusion

It is believed that each of the presently pending claims in this application are in condition for allowance. Accordingly, Applicants respectfully request an early and favorable action on the merits. If there is any matter that the Examiner would like to discuss, the Examiner is invited to contact the undersigned representative at the telephone number set forth below.

Dated: September 21, 2004

Respectfully submitted,

By _____

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